

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN**

NATURE'S ENERGY BANC, INC., a Michigan corporation, DANA FIELD, an individual, and JEFFREY BANCROFT, an individual,

Plaintiffs,

Case No. 10-cv-12829-JAC-RSW

vs.

UNIFIED HOLDING INTERNATIONAL, a Nevada corporation, UNIFIED ENERGIES INTERNATIONAL, a Nevada corporation, CLAY CLARK, an individual, WILLIS DUNHAM, an individual, and THOMAS RUOTOLO, an individual,

Honorable Julian Able Cook

Defendants.

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**ORDER ADOPTING MAGISTRATE JUDGE R. STEVEN WHALEN'S  
REPORT AND RECOMMENDATION (DOC. #56)**

This matter is before the Court based upon Nature's Energy's Motion for entry of Default Judgment, oral argument having been heard before Magistrate Judge R. Steven Whalen on January 21, 2013, and his Report and Recommendation having been filed with the Court (Doc. #56), this Court adopts the Report and Recommendation as a final order as follows:

IT IS HEREBY ORDERED that Plaintiff's Motion for default Judgment is denied.

IT IS FURTHER ORDERED that the Unified Defendants are assessed sanctions in the amount of \$5,000.00, jointly and severally;

IT IS FURTHER ORDERED that the Unified Defendants are required to respond to Plaintiff's First Discovery Requests within seven days; and if they fail to do so, sanctions will be assessed, up to and including default judgment; and

IT IS FURTHER ORDERED that the time has passed to file any objections to the Magistrate's Report and Recommendation (14 days from the date of the Report, February 13,

2013), and no objections have been filed. The request for an extension of time to object is denied as the parties have had ample time to secure counsel.

IT IS FURTHER ORDERED that the Unified Defendants are not entitled to a court-appointed attorney in this civil, commercial litigation.

IT IS SO ORDERED.

Date: February 19, 2013

s/Julian Abele Cook, Jr.  
JULIAN ABELE COOK, JR.  
U.S. District Judge

**CERTIFICATE OF SERVICE**

The undersigned certifies that the foregoing Order was served upon counsel of record via the Court's ECF System to their respective email addresses or First Class U.S. mail to the non-ECF participants on February 19, 2013.

s/ Kay Doaks  
Case Manager